

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID L. KILLINGSWORTH,	)	4:11CV3222
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
DIANE SABATKA-RINE, Warden,	)	
and ROBERT HOUSTON, Director,	)	
	)	
Respondents.	)	

This matter is before the court on Petitioner's Motion for an Evidentiary Hearing. (Filing No. [34](#).) The court dismissed this matter on November 5, 2012, because the Petition for Writ of Habeas Corpus was barred by the applicable statute of limitations. (Filing No. [32](#).) As such, no evidentiary hearing is warranted.

IT IS THEREFORE ORDERED that: Petitioner's Motion for an Evidentiary Hearing (filing no. [34](#)) is denied.

DATED this 14<sup>th</sup> day of November, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge